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AB-949 Unsafe used tires: installation. (2019-2020)

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Assembly Bill No. 949

CHAPTER 266

An act to add Article 10 (commencing with Section 9889.30) to Chapter 20.3 of Division 3 of the Business and Professions Code, relating to tires.

[Approved by Governor September 06, 2019. Filed with Secretary of State September 06, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 949, Medina. Unsafe used tires: installation.

Existing law, the Automotive Repair Act, provides for the licensure and regulation of automotive repair dealers by the Bureau of Automotive Repair. A violation of these provisions is a misdemeanor unless otherwise specified, and may subject a licensee to disciplinary action, including license suspension or revocation.

This bill would prohibit an automotive repair dealer from installing an unsafe used tire, as specified, on a motor vehicle for use on a highway. The bill, except as specified, would require an automotive repair dealer to use a visual inspection to determine whether a tire meets the criteria of an unsafe used tire. The bill would exempt from its provisions certain activities relating to tires. Because a violation of these provisions by an automotive repair dealer would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Article 10 (commencing with Section 9889.30) is added to Chapter 20.3 of Division 3 of the Business and Professions Code, to read:

Article 10. Used Tires

9889.30. (a) (1) Subject to subdivision (b), an automotive repair dealer shall not install an unsafe used tire on a motor vehicle for use on a highway, as defined in Section 360 of the Vehicle Code.

(2) For purposes of this section, "unsafe used tire" means a used tire to which any of the following criteria applies:

(A) The tire is worn to two thirty-seconds of one inch tread depth or less on any area of the tread.

(B) The tire has any damage exposing the reinforcing plies of the tire, through cuts, cracks, punctures, scrapes, or wear.

(C) The tire has any repair in the tread shoulder or belt edge area.

(D) The tire has a puncture that has not been both sealed or patched on the inside and repaired with a cured rubber stem through to the outside.

(E) The tire has repair to the sidewall or bead area.

(F) The tire has a puncture repair of damage larger than one-fourth of one inch.

(G) The tire shows evidence of prior use of a temporary tire sealant to repair a puncture or damage to the tire without evidence of a subsequent proper repair.

(H) The tire has a defaced or removed United States Department of Transportation tire identification number.

(I) The tire has any inner liner damage or bead damage.

(J) The tire shows indication of internal separation, such as bulges or local areas of irregular tread wear indicating a distortion in the tread area when compared to other areas of the tread, or belt separation.

(b) This section does not apply to tire repairs, tire rotations, tire balancing, or a tire mounted on a wheel or rim that is temporarily removed from a vehicle and reinstalled on the same vehicle. As used in this subdivision, "tire repair" means repairing a puncture in the tire tread area that is no larger than one-fourth of one inch in diameter, has not caused any internal damage to the tire, and is repaired according to industry standards.

(c) Except as set forth in subparagraph (A) of paragraph (2) of subdivision (a), an automotive repair dealer shall use a visual inspection to determine whether a tire meets the criteria of an unsafe used tire.

SEC. 2. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.